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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,594	12/30/1999	DIANE M. DEHLI	9D-HR-19230	6552
7590	08/12/2004		EXAMINER	
John S. Beulick Armstrong Teasdale LLP One Metropolitan Square, Suite 2600 St. Louis, MO 63102			DOERRLER, WILLIAM CHARLES	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/475,594	DEHLI, DIANE M.
Examiner	Art Unit	
William C Doerrler	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 July 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9,11,14-16,19 and 20 is/are rejected.
- 7) Claim(s) 10,12,13,17 and 18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9,11,14-16,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger in view of Schmidt.

Unger discloses in figure 8 applicant's basic inventive concept, heating only the periphery of an ice dispensing door using a looped electric heater, substantially as claimed with the exception of placing the heater in the door. Schmidt shows the placing of an electric heater into an ice dispensing door on the inside of the outer layer to be old in the ice dispensing art (see column 5 lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Schmidt to modify the ice dispensing door of Unger by placing the heater in the door to improve the efficiency of the deicing process by limiting heat which enters the ice storage enclosure (by not heating the enclosure). Since Unger shows a flange on the door and teaches the heating of the periphery, it is considered obvious that the teaching of Schmidt could be applied to the flange of Unger to only heat the periphery.

### ***Allowable Subject Matter***

Claims 10,12,13, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 7-9-2004 have been fully considered but they are not persuasive. Unger shows a heater around the periphery of an ice dispensing door. While this is disclosed to melt ice, it will inherently prevent condensation. Picking and choosing parts from references is not necessary in the instant case. Schmidt shows a heater in an ice door to prevent condensation. One of ordinary skill in the art would recognize that condensation will most likely occur around the opening. One of ordinary skill in the art would recognize that to place the heater in the periphery of the door would permit the melting of ice as taught by Unger and the reduction of condensation as taught by Schmidt. Heating only the periphery of the door is considered well within the scope of an ordinary practitioner such as is commonly done in household refrigerators (heating is applied around the periphery of the doors in the area of the sealing gaskets since this is the area most likely to see condensation). Unger and Schmidt do not teach away from each other. Schmidt shows heating the surface of an ice door to prevent condensation and Unger teaches heating only the area seeing the most heat transfer (the periphery). One of ordinary skill in the art could easily have combined these teachings to derive a heater to efficiently prevent condensation by heating only the periphery to heat a smaller area and reduce the chance of heat leakage into the cooled

compartment. No part of either reference is excluded to derive the necessary teachings.

In regard to claim 6, Unger shows the heating of a periphery of an ice door. Schmidt shows heating the rear surface of an ice door to prevent condensation. One of ordinary skill in the art would recognize that the periphery heating of Unger could be applied to the surface heater of Schmidt to derive an ice door that will both reduce condensation and reduce the chance of the door getting frozen shut. The same argument can be used for claim 11.

***Conclusion***

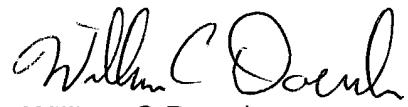
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C Doerrler whose telephone number is (703) 308-0696. The examiner can normally be reached on Monday-Friday 6:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C. Doerrler  
Primary Examiner  
Art Unit 3744

WCD